

# Court of Appeals, Division One

## Civil Appeal

**1 CA-CV 15-0489**

**THOMAS v. MONTELUCIA**

### Appellate Case Information

Case Filed: 24-Jul-2015

Case Closed:

### Dept/Composition

#### Department B

Hon. Patricia K Norris  
Hon. Samuel A Thumma  
Hon. Margaret H Downie

### Side 1. RALPH THOMAS and CAROLEE THOMAS, husband and wife, Plaintiff/Appellant

(Litigant Group) RALPH THOMAS et al.

- Ralph Thomas
- Carolee Thomas

#### Attorneys for: Plaintiffs/Appellants

Franklyn D Jeans, Esq. (AZ Bar No. 4657)  
Cassandra H Ayres, Esq. (AZ Bar No. 25937)

### Side 2. MONTELUCIA VILLAS, LLC, a Delaware limited liability company, Defendant/Appellee

(Litigant Group) MONTELUCIA VILLAS LLC

- Montelucia Villas LLC

#### Attorneys for: Defendant/Appellee

Joel E Sannes, Esq. (AZ Bar No. 15999)  
Phil David Ortega, Esq. (AZ Bar No. 31861)

### CASE STATUS

Dec 23, 2016....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2009-004659	Declaratory Judgment; Breach of Contract; Breach of Covenant of Good Faith and Fair Dealing [see file]		Mark H Brain, Authoring Judge of Order		

### DESCENDENT CASE(S)

ASC CV-16-0315-PR

### CASE DECISION

#### 22-Nov-2016 MEMORANDUM DECISION

Margaret Downie.....Author  
Patricia Norris.....Concur  
Samuel Thumma.....Concur

Filed: 22-Nov-2016 Mandate:

Decision Disposition

**Reversed**  
**Remanded**

### 40 PROCEEDING ENTRIES

- 24-Jul-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/26/15
- 24-Jul-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
- 29-Jul-2015 FILED: Notice to Parties re: Appellants Fee/Case Management Statement/Brief Due
- 30-Jul-2015 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
- 5-Aug-2015 RECEIPT No.: 2015-01085 ; \$280.00, Authorization: #16022305624, Applied to: RALPH THOMAS et al. - Class A Filing Fee (\$280.00) Paid for: Beus Gilbert PLLC - By Integrated Resource Systems IN
- 11-Aug-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
- 18-Aug-2015 FILED: Case Management Statement (Appellant)
- 20-Aug-2015 RECEIPT No.: 2015-01158 ; \$140.00, Check Number: 045156, Applied to: MONTELUCIA VILLAS LLC - Class B Filing Fee (\$140.00) Paid for: - By Udall Shumway PLC

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 15-0489****THOMAS v. MONTELUCIA****40 PROCEEDING ENTRIES**

9.	24-Sep-2015	FILED: Procedural Motion: Motion for Extension of Time to File Opening Brief Expedited Ruling Requested; Certificate of Service (Appellant)
10.	29-Sep-2015	ORDERED: Procedural Motion: Motion for Extension of Time to File Opening Brief Expedited Ruling Requested (Appellant) = GRANTED. Due date EXTENDED from Monday, 09-28-2015 to Wednesday, 10-07-2015. Melina Brill ProTem Judge - Author
11.	7-Oct-2015	FILED: Opening Brief of Appellants; Certificate of Compliance; Certificate of Service; Appendix to Appellants' Opening Brief
12.	20-Nov-2015	FILED: Motion for Extension of Time to File Answering Brief Expedited Ruling Requested; Certificate of Service (Appellee)
13.	24-Nov-2015	ORDERED: Extending the time to file the Answering Brief to/including 12/3/15 Barbara Vidal Vaught ProTem Judge - Author
14.	3-Dec-2015	FILED: Answering Brief of Appellee; Certificate of Compliance; Certificate of Service
15.	15-Dec-2015	FILED: Procedural Motion: Motion for Extension of Time to File Reply Brief Expedited Ruling Requested; Certificate of Service (Appellant)
16.	5-Jan-2016	ORDERED: Extending the time to file the Reply Brief to/including 1/8/16. Melina Brill ProTem Judge - Author
17.	8-Jan-2016	FILED: Procedural Motion: Motion for Extension of Time to File Reply Brief; Certificate of Service (Appellant)
18.	11-Jan-2016	ORDERED: Extending the time to file the Reply Brief to/including 1/13/16. Melina Brill ProTem Judge - Author
19.	13-Jan-2016	FILED: Reply Brief of Appellants; Certificate of Compliance; Certificate of Service
20.	22-Jan-2016	FILED: Request for Oral Argument; Certificate of Service (Appellee)
21.	4-Feb-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
22.	9-Feb-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
23.	17-Feb-2016	ORDERED: Request for Oral Argument (Appellee) = GRANTED. Hon Michael J Brown - Author
24.	29-Aug-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 10-18-16, 10:15 am, COURTROOM 1.
25.	6-Sep-2016	FILED: Notice of Oral Argument
26.	7-Sep-2016	FILED: Procedural Motion: Motion to Reschedule Oral Argument; Certificate of Service (Appellant)
27.	7-Sep-2016	FILED: Receipt for Notice of Oral Argument, signed by Franklyn D Jeans on 09/06/2016 (Appellants)
28.	9-Sep-2016	ORDERED: Procedural Motion: Motion to Reschedule Oral Argument (Appellant) = GRANTED/vacating the oral argument previously set in this case on 10/18/2016, at 10:15 a.m. in Courtroom 1 and resetting same to 11/16/2016, at 3:00 p.m. before Department B, Courtroom 1. Hon Patricia K Norris - Author
29.	12-Sep-2016	FILED: Receipt for Notice of Oral Argument, signed by Franklyn D Jeans on 09/09/2016 (Appellant)
30.	26-Sep-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 11-16-16, 03:00 pm, COURTROOM 1.
31.	19-Oct-2016	FILED: Receipt for Notice of Oral Argument, signed by Joel E Sannes on 09/07/2016
32.	16-Nov-2016	FILED: Sign-in Sheet/Case is Under Advisement as of 11/16/2016 (Dept B)
33.	22-Nov-2016	MEMORANDUM DECISION (Reversed, Remanded) Hon Margaret H Downie - Author; Hon Patricia K Norris - Concur; Hon Samuel A Thumma - Concur
34.	22-Nov-2016	FILED: Memorandum Decision Distribution List
35.	5-Dec-2016	FILED: Plaintiffs/Appellants' Statement of Taxable Costs; Certificate of Service (Appellant)
36.	15-Dec-2016	FILED: Appellee's Objection to Appellant's Statement of Costs; Certificate of Service (Appellee)
37.	23-Dec-2016	FILED: Email Notice from ASC re: Petition for Review filed 12/22/16; request for partial record

**Court of Appeals, Division One**

**Civil Appeal**

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**40 PROCEEDING ENTRIES**

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| 38. | 23-Dec-2016 | FILED: Letter forwarding partial record to Arizona Supreme Court   |
| 39. | 27-Dec-2016 | FILED: Plaintiffs-Appellants' Reply in Support of Their Statement of Taxable Costs; Certificate of Service (Appellant) |
| 40. | 3-Jan-2017  | ORDERED: awarding appellants costs in the amount of \$1183.65. Hon Margaret H Downie - Author                          |